



April 3, 2006

Via Electronic Filing

Mr. Donald S. Clark
Secretary
Federal Trade Commission
Room H-135 (Annex H)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

**Re: Food Marketing to Children and Adolescents Report to Congress
Comment, Project No. P064504**

Dear Secretary Clark:

The Promotion Marketing Association (“PMA”) is pleased to offer its comments for the Federal Trade Commission’s Report to Congress on Food Marketing to Children and Adolescents.

PMA is the leading trade association representing the promotional marketing industry. PMA’s approximately 650 members comprise a broad cross-section of the marketing industry, from Fortune 500 consumer goods and services companies, to advertising and promotional agencies, retailers, suppliers, law firms, and university faculty, who communicate with consumers of all ages in a variety of ways. Among its many members, PMA also represents companies which have the ability to communicate with children through both traditional and nontraditional means, such as television, radio, and print advertising, sweepstakes, contests, and rebate promotions, as well as a variety of Internet-based initiatives. As a result, PMA has considerable experience and insight into children’s marketing, including children’s food marketing.

PMA is submitting these comments because children’s food marketing is an issue of great importance to its members. PMA’s membership includes many of this nation’s leading food marketing companies who are sensitive to the issues inherent in children’s food marketing and who take great care to make sure their communications are accurate, non-misleading, are designed to be age appropriate and easily understood by the children to whom the communications are made, and do

not take advantage of this unique audience. PMA was at the forefront of educating its membership about the responsibility of marketing to children by sponsoring programs and roundtables on this topic back in 2003 and 2004, long before the mass media and the broad general public became more involved with these issues. PMA and its members also have always been firm supporters of industry self-regulation and the initiatives and activities of the Children's Advertising Review Unit ("CARU"), the National Advertising Division, and the National Advertising Review Board. PMA believes these industry bodies, together with our industry, have made for a successful self-regulatory regime.

As part of its mission to encourage the highest standards of excellence in promotion marketing, PMA has engaged in dialogue with its members concerning child and adolescent food marketing.

PMA clearly subscribes to the following principles:

- Consistently giving due consideration to age appropriate advertising execution and content in accordance with CARU principles.
- Continuing to offer premiums and sweepstakes in a child friendly manner, i.e. clearly explaining the terms and conditions of premium and sweepstake promotions in form and language understandable to the children to whom such promotions are addressed and featuring age appropriate prizes, all in accordance with CARU principles.

Furthermore, PMA remains deeply concerned with First Amendment implications of any additional regulation that would unduly curtail non-deceptive and non-misleading practices in this area. The restriction of children's food advertising, no matter how truthful, merely to satisfy those who might criticize any advertising methods, runs a serious risk of being more restrictive than necessary to achieve the government's intended goal of protecting American children, all in violation of First Amendment jurisprudence.

PMA remains firmly committed to participating in this debate and aiding the Commission in the task assigned to it by Congress. If the Commission engages in any further inquiry on this topic, PMA wishes to participate fully in any Commission initiatives.

Respectfully submitted,

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